

Notice of Allowability	Application No.	Applicant(s)	
	09/826,393	FLORIN ET AL.	
	Examiner	Art Unit	
	Vera Afremova	1651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/19/2004.
2. ☒ The allowed claim(s) is/are 14,17,21,22 and 31-37.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.


THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|---|---|


VERA AFREMOVA PH.D.
PATENT EXAMINER

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EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Rodney J. Fuller on 5/21/2004.

The application has been amended as follows:

IN THE CLAIMS:

Claim 14, line 2, after the phrase "tissue" has been inserted ---derived from a cocoa plant or a coffee plant---.

Claim 14, line 3, after the phrase "tissue" has been inserted ---derived from a cocoa plant or a coffee plant---.

Claim 14, line 7, phrase "dehydrating" has been replaced by ---treating---.

Claim 14, line 8, phrase "sequentially" has been replaced by ---sequential---.

Claim 17, line 1, phrase "claim 16, wherein" has been replaced by ---claim 14, wherein the treating step further comprises a dehydration step and wherein---.

Claim 20 has been canceled.

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Claim 21, line 1, number '20' has been replaced by number ---14---.

Claim 22, line 1, number '20' has been replaced by number ---14---.

Claims 23-30 have been canceled.

Claim 31, line 2, after the phrase "tissue" has been inserted ---derived from a cocoa plant
or a coffee plant---.

Claim 31, line 3, after the phrase "tissue" has been inserted ---derived from a cocoa plant
or a coffee plant---.

Claim 31, line 6, phrase "multiple" has been replaced by ---successive---.

Claim 31, line 6, phrase "increased" has been replaced by ---increasing---.

Claim 32, line 3, after phrase "regeneration tissue" has been inserted ---before step of
pretreating---.

Claim 33, line 3, after phrase "40 C" has been inserted ---before step of cryofreezing---.

Claim 36, line 1, phrase "the two step dehydrating process" has been replaced by ---the
step of treating---.

Claim 37, line 2, temperature "25° C" has been replaced by --- minus 25° C---.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vera Afremova whose telephone number is (571) 272-0914. The examiner can normally be reached from Monday to Friday from 9.30 am to 6.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Wityshyn can be reached at (571) 272-0926.

The fax phone number for the TC 1600 where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1600.

Vera Afremova

AU 1651

May, 21 2004



VERA AFREMOVA

PATENT EXAMINER

**VERA AFREMOVA PH.D.
PATENT EXAMINER**